

Date/Time Filed with Registrar of Regulations	VA.R. Document Number: R_____ - _____
	Date of Publication in Virginia Register:

Commonwealth of Virginia

RESPONSE TO PETITION FOR RULEMAKING

Check one: ☐ Initial Agency Notice ☒ Agency Decision

Regulatory Coordinator: Elaine J. Yeatts

Telephone: (804) 662-9918

E-mail: elaine.yeatts@dhp.virginia.gov

Agency Name: Board of Nursing, Department of Health Professions

Chapters affected:

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
18 VAC 90-50-40	Regulations Governing the Certification of Massage Therapists

Statutory Authority: Sections 54.1-2400 and 54.1-3029 of the Code of Virginia

Name of petitioner: Paul M Garcia

Nature of petitioner's request: To amend regulations establishing the examination and credential accepted by the Board for certification as a massage therapist to accept passage of the Asian Bodywork Therapy Examination given by the National Certification Commission for Acupuncture and Oriental Medicine.

INITIAL AGENCY NOTICE

Agency's plan for disposition of the request: The Board will publish the petition for rule-making and request comment for 30 days, after which an advisory committee on massage therapy will consider the petition and comment and advise the Board on recommended action to be taken at its meeting on January 25, 2005.

Comments may be submitted until December 15, 2004

AGENCY DECISION

☐ Request Granted

☒ Request Denied

Statement of reasons for decision: The Ad Hoc Advisory Committee on Massage Therapy met on January 18, 2005 and recommended that the Board of Nursing deny the petition for rulemaking based on their assessment that the NCCAOM tests a different area of competence than massage therapy and that one of the currently-approved exams addresses bodywork in addition to massage therapy. At its meeting on January 25, 2005, the Board heard testimony by the petitioner and then voted to accept the recommendation of the Ad Hoc Committee to deny the petition. The Board also agreed to revisit the issue in a Policy Forum at a future meeting to receive additional information about the examination.

Agency Contact for Further Information:

Name: Jay P. Douglas
Title: Executive Director, Board of Nursing
Address: 6603 West Broad Street, Richmond, VA 23230-1712
Telephone: (804) 662-9909 **Fax:** (804) 662-9512 **Toll Free:** 1- -
E-mail: jay.douglas@dhp.virginia.gov

Date Submitted: 1/27/05
